

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FEDERAL TRADE COMMISSION and

THE PEOPLE OF THE STATE OF NEW
YORK, by LETITIA JAMES, Attorney
General of the State of New York,

Plaintiffs,

v.

QUINCY BIOSCIENCE HOLDING
COMPANY, INC., a corporation;

QUINCY BIOSCIENCE, LLC, a limited
liability company;

PREVAGEN, INC., a corporation
d/b/a/ SUGAR RIVER SUPPLEMENTS;

QUINCY BIOSCIENCE
MANUFACTURING, LLC, a limited
liability company; and

MARK UNDERWOOD, individually and as
an officer of QUINCY BIOSCIENCE
HOLDING COMPANY, INC., QUINCY
BIOSCIENCE, LLC, and PREVAGEN,
INC.,

Defendants.

Case No. 1:17-cv-00124-LLS


**NOTICE OF RENEWED
MOTION FOR JUDGMENT AS
A MATTER OF LAW BY
PEOPLE OF THE STATE OF
NEW YORK BY LETITIA
JAMES, ATTORNEY GENERAL
OF THE STATE OF NEW YORK**

Plaintiff the People of the State of New York, by Letitia James, Attorney General of the State of New York, renews its motion to this Court for an order, pursuant to Rule 50(b) of the Federal Rules of Civil Procedure, entering judgment as a matter of law in favor of Plaintiff on the element of materiality for Plaintiff's General Business Law Section 349 and 350 claims.

The motion is based on the grounds that all eight of the challenged advertising claims that Defendants made to consumers, including the six that the jury found to lack materiality, are health-related, express claims about the central characteristics of Prevagen and are therefore presumed to be material as a matter of law. Because Defendants failed to present any evidence

whatsoever to rebut this presumption or the testimony affirmatively supporting materiality from their own witnesses, no reasonable jury could have found the claims to be anything other than material.

Date: April 8, 2024

By: 

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CERTIFICATE OF SERVICE

I certify that on this 8th day of April 2024, I served via ECF the foregoing Notice of Renewed Motion for Judgment as a Matter of Law by People of the State of New York by Letitia James, Attorney General of the State of New York.



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